

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WAUSAU BUSINESS INSURANCE COMPANY,  
AND EMPLOYERS INSURANCE COMPANY  
OF WAUSAU

PLAINTIFF,

CIVIL ACTION NO.  
11 CIV 2482  
(J. BRICCETTI)

-AGAINST-

**ANSWER TO  
DEFENDANT ALPINE'S  
CROSS-CLAIMS**

ALPINE CONSULTING CO. OF NEW YORK, INC.,  
ASSOCIATED GERIATRICS INFORMATION  
NETWORK, INC., CREST HALL CORP., CROWN  
NURSING HOME ASSOCIATES, INC., OAK HOLLOW  
NC CORP., CENTRAL HEALTHCARE SERVICES,  
INC., BLOSSOM HEALTH CARE CENTER, INC.,  
BLOSSOM NORTH, LLC, BLOSSOM SOUTH, LLC,  
CAMPBELL HALL HEALTH CARE CENTER, INC.,  
VICTORY LAKE OPERATIONS, LLC, AND CAMPBELL  
HALL REHABILITATION CENTER, INC.,

DEFENDANTS.  
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Defendants **CENTRAL HEALTHCARE** (defined as all defendants except Alpine Consulting Co of New York, Inc., Associated Geriatrics Information Network, Inc., Crest Hall Corp, Crown Nursing Home Associates Inc and Oak Hollow NC Corp.) by its attorneys, DRABKIN & MARGULIES, sets forth the following as and for its **Answer to Defendant Alpine Consulting Co. of New York, Inc.'s Cross-Claims**, with Affirmative Defenses:

**ANSWERING DEFENDANT'S FIRST CROSS CLAIM**

1. Denies generally, upon information and belief, without complete knowledge sufficient to form a belief as to the truth of all averments, all the allegations alleged in paragraphs 1, 2,

3,4,5,6,7,8,9,10,11 and refer all conclusions of fact and law to this Court.

2. Denies each and every allegation in paragraph 12.

**ANSWERING DEFENDANT'S SECOND CROSS CLAIM**

3. Defendant repeats and re-alleges all the answers noted above as to the allegations contained in paragraphs 1 through 13 as if fully set forth herein.

4. Denies each and every allegation in paragraph 14.

**ANSWERING DEFENDANT'S THIRD CROSS CLAIM**

5. Defendant repeats and re-alleges all the answers noted above as to the allegations contained in paragraphs 1 through 15 as if fully set forth herein.

6. Denies each and every allegation in paragraphs 16 and 17.

**ANSWERING DEFENDANT'S FOURTH CROSS CLAIM**

7. Defendant repeats and re-alleges all the answers noted above as to the allegations contained in paragraphs 1 through 18 as if fully set forth herein.

8. Denies each and every allegation in paragraph 19.

**AS AND FOR ITS FIRST AFFIRMATIVE DEFENSE**

9. The Answer's cross-claims fail to state a cause of action upon which relief can be granted.

**AS AND FOR ITS SECOND AFFIRMATIVE DEFENSE**

10. Defendant's cross-claims are barred by reason of the doctrine of waiver.

**AS AND FOR ITS THIRD AFFIRMATIVE DEFENSE**

11. Defendant's cross-claims are barred by reason of defendant's laches.

**AS AND FOR ITS FOURTH AFFIRMATIVE DEFENSE**

12. Defendant's cross-claims are barred by reason of the course of conduct between the parties.

**AS AND FOR ITS FIFTH AFFIRMATIVE DEFENSE**

13. Defendant has a defense based upon payment.

**AS AND FOR ITS SIXTH AFFIRMATIVE DEFENSE**

14. All or part of defendant's cross-claim is barred by the doctrine of accord and satisfaction.

**AS AND FOR ITS SEVENTH AFFIRMATIVE DEFENSE**

15. Defendant did not comply with all conditions precedent in the agreements referenced in the cross-claim prior to asserting such claims.

**AS AND FOR ITS EIGHTH AFFIRMATIVE DEFENSE**

16. The allegations in the cross-claims are not pled with required particularity.

**AS AND FOR ITS NINTH AFFIRMATIVE DEFENSE**

17. Defendant's cross-claims are barred by lack of consideration.

**AS AND FOR ITS TENTH AFFIRMATIVE DEFENSE**

18. Defendant has a defense based upon mitigation of damages and/or co-defendant's failure to do so.

**AS AND FOR ITS ELEVENTH AFFIRMATIVE DEFENSE**

19. The Court lacks subject matter jurisdiction over the defendant's cross-claims on the ground that there is no diversity of citizenship, and the amount in controversy does not exceed \$75,000.

WHEREFORE, Defendant **CENTRAL HEALTHCARE** demands judgment dismissing Plaintiffs complaint, together with all other relief as may be just and proper under the circumstances to be determined by this Court, together with costs, interest and expenses.

DATED: NEW YORK, NEW YORK  
March 13, 2012

Yours, etc.



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